

justice, our system of government, and the American people when we engage in such rhetoric.

As anyone who is at all familiar with our criminal justice systems knows, in the overwhelming majority of cases, Federal judges, regardless of whether they were appointed by Republican Presidents or Democratic Presidents, uphold the law, and they do an excellent, if often difficult, job.

We have been fortunate, Mr. President, in this country that Presidents of both parties have appointed some of the finest men and women in this country as Federal judges. Those men and women have upheld the liberties of every one of us, no matter what our political party might be, no matter what our ideology might be, no matter whether we are wealthy or poor, and no matter what our backgrounds are.

We have been blessed in this country with very, very good Federal judges. We have had a few clunkers. Yes, we have a few clunkers. I probably appeared before some at one time or another. But the vast, vast majority of our Federal judges do a very difficult, very honorable, and a very good job.

The Presidents who appoint them ought to be praised for it. I think that it demeans the Office of the Presidency and it demeans the Federal judiciary and it demeans the Senate to make this some a political thing where we go after the incumbent President and claim that he is not doing a good job in appointing judges.

In fact, President Clinton's judicial appointees have won praise around the country as well qualified and centrist. That is why we have confirmed each of them—the Republican-controlled Senate has, and the Democratic-controlled Senate has. Each of them has had an exhaustive and intrusive examination before the Judiciary Committee, and each has been confirmed by this body. In fact, only 3 of the 185 lower Federal court judges who President Clinton appointed to the bench have even been the subject of contested votes.

We hear a lot of criticism now, but the distinguished majority leader and the chairman of the Judiciary Committee voted for 182 of the 185 judges now on the courts of appeals and districts courts appointed by President Clinton.

In fact, the *Legal Times* says of President Clinton's judges:

From the beginning, his philosophy toward judicial selection has differed from that of his two immediate predecessors [who] engaged in a crusade to put committed conservatives on the bench. President Clinton's criteria, by contrast, seem less ideological. He has primarily sought two attributes in his judicial candidates—undisputed legal qualifications, and gender and ethnic diversity.

In a comprehensive report at the midpoint of President Clinton's first term, the *New York Times* reported:

Political scientists, legal scholars and non-partisan groups like the American Bar Association who have studied the new judges' records also said Mr. Clinton's choices were better qualified than those of Mr. Reagan or President George Bush.

The new judges were deliberately chosen to fit squarely in the judicial mainstream and

were, by and large, replacing liberal Democrats.

Everyone always talks about making the judicial selection process less political. Now election year politics threaten to bring political rhetoric about judges to the forefront. Let us not make judges or isolated decisions into political issues. Let us work together to increase respect for our system of justice and for those who serve within it.

Mr. President, I see my good friend from Tennessee in the Chamber and I know he seeks—I see both of my good friends from Tennessee in the Chamber. I know one or the other is going to want to talk. So I yield the floor.

CONSTITUTIONAL AMENDMENT TO LIMIT CONGRESSIONAL TERMS

The Senate resumed consideration of the joint resolution.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. I thank the Chair.

Mr. President, the fundamental question of the debate on term limits to me can be put very simply. Are we as a nation better served by a system that encourages career politicians who over time grow entrenched in Washington and increasingly removed from the concerns of the very people who elected them or are we better served by an ever-changing legislative body of citizens who bring with them those vast experiences that color America, who have no political career to protect and who serve and then return home to live under the laws that they helped pass?

Next week, the Senate will get its chance to answer that fundamental question. I draw upon my own personal experiences. I came directly to the Senate a year and a half ago from the private sector. In fact, I contrast this very Chamber before us, with its rich history and its culture and its historical significance, with what I was doing 3 years ago, and that is moving every day and too many nights in an operating room.

It is that contrast, it is that perspective that colors much of what I have to say about term limits. I have never served in elective office, and I have had no previous ties to Washington, DC, or the Federal Government before coming to this body. I ran on the issue of term limits, and I pledged personally to serve no more than two terms. It is because I believe in that fundamental concept of the citizen legislator contributing in his or her own way based on his or her own past experiences to a citizen legislature.

That unique perspective on Washington encouraged me to promote not only the issue of term limits but to strongly support Senate Joint Resolution 21. I now, having been here a year and a half, feel even more strongly than 2 years ago when I was campaigning. Senate Joint Resolution 21, a constitutional amendment providing for term limits, serves as a stepping-stone down that long road—and we have a long road to go—to renew the

citizens' respect, the citizens' faith, the citizens' trust in their Federal Government.

Too often, Members of Congress are forced in the current system to spend their time focusing on reelection, focusing on fundraising, watching the polls, instead of doing what we need to be doing, and that is doing what is best for the country. As a result, I truly feel that Washington has become much more of a 2-year town, focused on the short term rather than what it should be, a 20-year town with long-term thinking.

One need look no further than the recent debate over Medicare and entitlement reform to see how true this is. Because of the unrestrained growth of entitlements, our Nation faces a true fiscal disaster within 15 years, yet this past Congress has been unable to have a reasoned, meaningful debate on this most critical of issues. Why? Because of the political ramifications of taking on, of addressing middle-class entitlements. We missed a valuable opportunity to take real steps toward reducing the deficit, eventually reducing the debt and truly reining in entitlements.

I think it is time for us to pause a moment and ask a simple question. If Members of Congress had been freed in large part from reelection concerns, would politics have destroyed the debate that prevented us once again from addressing these fundamental problems? The answer to me is clear and the reason is obvious. As long as there are careers to protect, there will be politics to play almost by definition. The longer politicians stay in Washington, the more risk averse they become. They become more attached and more detached from that average citizen and they become more eager to spend the hard-earned dollars of America's taxpayers. The answer is this resolution before us today, Senate Joint Resolution 21.

What are the arguments against term limits? Many of my colleagues oppose term limits on the grounds that we should not alter the Constitution, and I think they have a point. As a conservative, I think we have to be very careful before we alter the Constitution in any way, and only in rare circumstances should this take place. In fact, the first bill that I introduced in the Senate was the Electoral Rights Enforcement Act of 1995, and it was a very simple statute that would have given the States additional authority to enact term limits on Members of their congressional delegation. Unfortunately, the U.S. Supreme Court's decision in *U.S. Term Limits versus Thornton* mooted that bill and made it clear that the only alternative, the only remaining course available to us is a constitutional amendment.

Others cloud the debate on issues as to whether or not the term limits will be retroactive or should be retroactive

or the technicalities or whether the real answer should be campaign finance reform. The American people are not going to be fooled. They understand. They have spoken loudly that they want term limits. Others will say that we have term limits at the ballot box; that we can always vote somebody out we do not like.

Once again, the American people recognize that you cannot vote someone out easily. In fact, the statistics are that about 90 percent of Senators running for reelection will win. And if you look at the election of 2 years ago, when a new revolution took place, there were 11 new Senators and only 1 of those defeated an incumbent, full U.S. Senator. The power of the incumbency is too strong. The answer is term limits.

Finally, some opponents will contend that term limits will rob Congress of experienced legislators who are necessary to the proper functioning of our Government. And, yes, experienced legislators who are good, who have contributed significantly will, after a period of time, have to leave this body. Yet, the second half of that is, are they absolutely necessary to the proper functioning of our Government? And I would argue no. If our Government is so complex and so complicated and so convoluted that only a full-time career politician, a class of politicians that is here to stay forever, can run it, that is not an argument against term limits; it is an argument for drastically changing the way our Government does business.

Mr. President, I have an interest in history. As the only physician in the U.S. Senate today, I have gone back to look at the number of physicians in the Senate over time. It has been fascinating. Over the last 100 years, there have been only eight physicians who served in the U.S. Senate. Over the period of 1800 to 1899, that 100-year period, in contrast to the 8 for the last 100 years, 37 physicians served in the U.S. Senate.

You can argue that is good or that is bad, I would say, not necessarily because they are physicians, but because they are another profession, not just another lawyer in this body but another profession. I would argue that is good; that is what the American people want. It represents America today.

It is interesting to look back at that period of 1800 to 1849. Mr. President, 23 physicians served in that period. If you look down the list, Dr. Bateman was a Senator for 3 years, Dr. Borland for 5 years, Dr. Campbell for 4 years, Dr. Harrison for 3 years, Dr. Kent for 4 years. The length of time these Senators served was short, was narrower.

Shall we argue they did not contribute in a substantial way in that period of time? I would argue absolutely not. You do not have to be here for 12 years or for 18 years or for 24 years to contribute.

As I look through this history of physicians in the U.S. Senate, it causes me

to go back and reflect on that concept upon which this country was founded, and that is the citizen legislator, someone who comes from running a filling station, someone who comes from having a farm, someone who comes from the practice of medicine here for a period of time, from real jobs, after which they go back home and live under the laws that were passed.

In closing, Americans understand that Government truly works best when it is composed and comprised of citizens who have worked alongside them, who still consider themselves part of the communities from which they came. Yes, I truly feel that term limits will focus Members of Congress on the issues at hand rather than that next election, or that next fundraiser in preparation for that election. Members will not shy away from tough decisions. The doors of Congress will be thrown open with new ideas, innovative ideas, all brought to the table of citizen legislators.

Yes, I feel we need term limits. The question remains for our Senate colleagues, how long can we, will we, ignore the will of the American people?

Mr. President, I ask unanimous consent that the tally by half century of physicians in the Senate that I referred to earlier be printed in the RECORD, and I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

"PHYSICIANS IN THE SENATE" SPEECH TALLY
BY HALF CENTURY

1750-1799: Bradford (1793-1797), Clayton (1798), Elmer (1789-1791), Latimer (1795-1801).

1800-1849: Bateman (1826-1829), Bibb (1813-1816), Borland (1848-1853), Campbell (1809-1813), Chambers (1825-1826), Condit (1803-1817), Harper (1826), Harrison (1825-1828), Hunter (1811-1821), Jones (1807), Kent (1833-1837), Leib (1809-1814), Linn (1833-1843), Logan (1801-1807), Mitchell (1804-1809), Morril (1817-1823), Naudain (1830-1836), Pinkney (1819-1822), Spence (1836-1840), Storer (1817-1819), Sturgeon (1840-1851), Tiffin (1807-1809), Ware (1821-1824).

1850-1899: Bates (1857-1859), Chilcott (1882-1883), Conover (1873-1879), Cowan (1861-1867), Deboe (1897-1903), Dennis (1873-1879), Fitch (1857-1861), Gallinger (1891-1918), Gwin (1850-1855, 1857-1861), Miller (1871), Mitchell (1861), Nourse (1857), Wade (1851-1869), Withers (1875-1881).

1900-1949: Ball (1903-1905, 1919-1925), Copeland (1923-1938), Ferris (1923-1928), France (1917-1923), Hatfield (1929-1935), Lane (1913-1917).

1950-present: Frist (1995-?), Gruening (1959-1969).

Total: 49 physicians in the Senate.

Note: Five Senators who overlapped half-centuries are listed only under the half-century when their first terms began.

Mr. GRAMS. Mr. President, I wanted to note I am a strong supporter of this term limits resolution, and I will engage in this debate again next week as well and plan to vote for this.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I thank my colleague, Senator FRIST, from Tennessee, because he made a very interesting point there, talking

about the number of physicians who served in this body for the first 100 years. I think the number was 37. We were just talking about that. That was back when there were many fewer Members of the Senate. There were only 15 States by 1800 or so, so we only had about 30 Senators. Yet, a great number of them seem to have been physicians.

I think you can say that about a lot of other professions back then, too. As time has gone on, that number has diminished. We have fewer and fewer people who have done anything except be in politics. So, again, I think he is a good example of the citizen legislator.

He and I both came to the Senate together a little over a year ago, neither one of us having run for office before. We vowed, together, that we would do what we could to advance the concept of a citizen legislator and fight for term limits. As we said earlier, this is the first time in 49 years that we will have a vote on term limits in this body.

I would like to just very briefly respond to a couple of the comments that the Senator from Vermont made earlier about term limits. The opponents of term limits, of course, are a little bit between a rock and a hard place. They have a tremendous burden to overcome. One of those burdens is the fact that, as this chart indicates here, 75 percent of the people—according to Luntz Research Co.—75 percent of the people are in support of term limits and only 16 percent of the people oppose it. So, what many of the opponents have done is tried their best to talk Members here into not supporting the term-limits concept. In the process, they have personalized the debate.

They talk in terms of how it will affect this Member or how it will affect that Member or the majority leader's situation, the President pro tempore's situation, individual Members on both sides of the aisle. I think that points up a problem that we have in this body overall. It is a problem with this debate; that is, the personalizing of the debate, the personalizing of it. The point is that it does not matter how it affects individual Members. It does not matter that some Member might have served here for a long time and might be entitled to another two terms. What we are trying to do is fashion something that eventually has a chance of passing and becoming law. It is irrelevant as to what has gone on in the past. What is relevant is this country and what is relevant is this body as an institution as we go into the next century.

If you want to make the argument that this would lower the quality of this body, that this would hurt the United States, then that is, I think, a valid argument. But to argue that a person cannot support term limits because he has already been here for awhile, I think that is an invalid argument. That is an attempt to label people as hypocrites. So the opponents of term limits say this is not real term

limits. You have a proposition here that will allow two more terms, 12 years. That is going to be extremely difficult to get passed. It has taken 49 years to get another vote on it as it is.

So we say, let us have something reasonable, regardless of the past. The system has served us pretty well in the past. We balanced the budget up to 1967. Let us concentrate on the future—another 12 years. But opponents of term limits say, no, that is not good enough. Let us fashion something that we know is impossible of getting passed, like making it retroactive. That will be consistent. That will be nonhypocritical.

Perfection should not be the enemy of the good. The strategy is obvious on its face. The opponents of term limits are not interested in what they would call real term limits or genuine term limits. The opponents of term limits are interested in deflecting the debate from the future of this Nation onto individual Members and saying you cannot vote for term limits because you think that now we have dug ourselves into this hopeless ditch of debt, that you cannot vote for term limits for the future knowing it would be a few years before the ratification process would even have an opportunity to be completed. Then you have another 12 years. You cannot vote for that because you would be accused of being a hypocrite because you have been here for a while.

That is a part of the "me" generation, Mr. President. We criticize our kids for a lot of things and ourselves as part of the "me" generation—me, me, me, self-centered. The same thing is true with this body—totally, totally consumed with ourselves as individuals and how things will affect us.

Senator Jones here, we would have lost the benefit of his services if we had term limits. Well, there are millions of Mr. Joneses out there who might be Senator Joneses who might be better than Senator Jones. We have 250 million people in this country, and I do not even know what fraction of 1 percent have ever served in this body.

Are we so self-centered and conceited and blinded that we think that this fraction of 1 percent are the only people qualified because we spent a few years up here spending other people's money and regulating other people's lives that we have the only expertise in America that qualifies us to sit here?

Let us, as we go forward with this debate next week, not personalize this thing. Let us not personalize this debate. Let us not accuse people of being hypocrites. Let us not concentrate on the past. You can make an argument that in the past we did not need this. We fought two world wars, we went through a Great Depression, and we were always able to come back and balance the budget in short order. We balanced the budget up until 1969.

Recently things have gotten out of hand with the growth of Government and the growth of spending, the proliferation of interest groups and the

pressures on this body, of the desire for constant reelection, never having the will to say no to anybody, but always wanting to say, "Yes, you can have this. We can increase this program at 10 percent a year because we want your vote and we want your financial support and we want this system of professional politicians that we have always had."

It has gotten us into a quagmire that our kids will find it hopeless to dig themselves out of. We are bankrupting this country in short order. We all know it, and it constitutes criminal negligence if we do not do what we can about it.

I have heard many, many times, and I heard again today, "We have term limits; we have term limits, they are called elections." If you want to call the present system term limits, you are going to have to convince me that people have a decent shot at getting what they want from the present system, what they demand.

If you are talking about electoral politics, unless you are an incumbent, you are not going to have access to the money to even run. We have millions of citizens out there who would like to serve and have the opportunity to serve, but they know, with all of the advantages of incumbency and all of the money that incumbency brings in terms of contributions, why bother? Why bother?

They say, "Well, there is a lot of turnover." That is for various reasons. Some people want to run for other offices; some people leave town one step ahead of the sheriff; some people want to go back and live in the real world. There are a lot of reasons for that. But the fact of the matter is, of those who want to stay, of those who run for reelection, about 90 percent still get reelected in the middle of all this turnover.

So, the question is not what the turnover rate is. It goes up and down. The question is, What is the motivation of the overwhelming majority of the people who serve? If they ultimately decide to leave for whatever reason, or even maybe within their term for whatever reason, that still does not answer the question, what was their motivation while they were there?

I firmly believe that if that motivation is, in large part, not totally, but in large part, simply staying and getting reelected and doing the things necessary to stay in office year in and year out, because the longer you stay the less touch you have with the real world and, in some cases, the less you feel like you will be able to do, and then age catches up with you perhaps and you become more and more desperate to stay and you are willing to do more and more things to stay—what is the motivation of those kind of people?

The motivation of those kind of people to point out that "We cannot increase your program, madam, at 10 percent this year. We maybe could increase it 6 or 7 percent. But your check

might be a little less than what you were expecting it to be from the Federal Government." That is dangerous. That is dangerous, and we need people in this body who are willing to risk a little danger. That is what we do not have, and that is what this is all about.

So as I say, next week we can get back on the central issue here: What is best going to equip this country to meet the challenges of the next century—as we, as sure as I am standing here, are bankrupting this country—not how it affects some individual Members. We will be lucky if we are remembered 24 hours after we leave. It does not have to do with that.

So with that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMPSON). Without objection, it is so ordered.

CLOTURE MOTION

Mr. DOLE. Mr. President, I send a cloture motion to the desk relating to the committee substitute to Senate Joint Resolution 21.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the committee substitute to Calendar No. 201, Senate Joint Resolution 21, a joint resolution proposing a constitutional amendment to limit Congressional terms:

Bob Dole, Fred Thompson, Spencer Abraham, Rod Grams, Mike DeWine, John Ashcroft, Craig Thomas, Jon Kyl, Trent Lott, John McCain, Slade Gorton, Rick Santorum, Bill Frist, Larry E. Craig, Paul Coverdell, Lauch Faircloth.

Mr. DOLE. Mr. President, I ask unanimous consent that the cloture vote occur at 2:15 p.m. on Tuesday, April 23, and the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DOLE. Mr. President, I now ask that there be a period for the transaction of routine morning business, not to extend beyond 4 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Thursday, April 18, 1996, the Federal debt stood at \$5,099,448,998,247.15.

On a per capita basis, every man, woman, and child in America owes